

PATENT

Handwritten signatures and initials, including "H. J. A. W. de" and "g. h. k."

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: WILLIAMS, Don C. **
Serial No.: 09/670,606 **
Filed: 09/26/2000 **
Title: "Extended Interfaced, Under & **
Around Chin, Head Suport System..." **
Art Unit: 3636 **
Ex.: Anthony D. BARFIELD **
AttyID: WILLD1/870 **
Due: August 22, 2002 **
Date: August 22, 2002 **

"SWEARING BACK" DECLARATION of COUNSEL
Under 37 CFR 1.131

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In connection with the above referenced patent application, I, C. Emmett Pugh (hereinafter "Counsel"), declare and state the following:

1. I am the attorney of record in the above-referenced patent application and have represented the inventor, Dr. Don Williams, in his invention from its initial stages continuously to date. I am a registered patent attorney (Reg. 22,826) since about 1966, and had in 1998 over 32 years of experience in handling, protecting and patenting the inventions of, *inter alia*, independent inventors like Dr. Williams, assisting the inventors in documenting their inventions, typically in the initial office conference with the respective inventor.

2. On November 2, 1998 I had an initial office conference with Dr. Williams concerning his invention of a head rest support device for use in supporting the head when the user is, for example,

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resting while sitting down, which is the subject matter of the above referenced patent application. This initial office conference took place at Counsel's then offices at 4917 St. Charles Ave., New Orleans, LA.

3. At that initial conference of November 2, 1998 Dr. Williams brought a written disclosure document on his invention which was prepared and dated on October 31, 1998, a true copy of which written disclosure document is attached. In connection with that initial office conference Counsel witnessed and dated the written disclosure document on November 2, 1998, adding the hand-written notation "Received, reviewed and fully understood on this November 2, 1998," which Counsel in fact did, with my signature and dating of November 2, 1998, all as shown on the attached copy of the written disclosure document. Additionally, my secretary/office manager, Debra M. Martin, also witnessed and dated the attached written disclosure document, as did the inventor himself, all as also can be seen on the attached document copy.

4. At that initial office conference of November 2, 1998, Dr. Williams brought with him an actual embodiment of his head rest support, which included a full-size, oblong shaped, firm, durable foam body which he used to demonstrate the use, operation and operability of his invention's prototype, which prototype performed satisfactorily. The shape and demonstrated use of the foam prototype on November 2, 1998 is substantively the same as the shape, use and operation illustrated in the above referenced patent application, with the exception of the belt strapping used to attach the foam head rest support to the user, with the November 2, 1998 prototype belting being that described in the second paragraph of the attached written disclosure document which involved strapping running around the back of the user, in comparison to the around the neck belting 40 shown in the figures of the patent application.

5. Counsel's very common, near if not completely universal practice, when an inventor brings in an actual prototype of an invention, is and continuously has been and was in November 1998 to take Polaroid photographs of the prototype and, if the prototype lends itself to demonstrate the operability of the prototype, the photos would typically be taken showing that operability. Counsel specifically remembers doing so at the November 2, 1998 initial conference with Dr. Williams and, indeed, remembers that Ms. Martin had to leave the office to buy some Polaroid film for taking the documenting photos.

6. Counsel specifically remembers taking and dating a series of Polaroid photographs of Dr. Williams successfully and satisfactorily using his prototype head rest support strapped to his body to provide comfortable support to his head as he sat and rested at Counsel's conference table.

7. Counsel placed those photographs in his initial file on Dr. Williams case, which file and photographs were mis-placed in Counsel's office or otherwise lost or inadvertently destroyed during the substantial moves of his law office since November 2, 1998, including a move of his New Orleans office from an uptown to a downtown location in or about March 1999, the closing of his New Orleans office in February 2000 and the consequent moving of, *inter alia*, the New Orleans files to its current Connecticut location.

8. Pursuant to that initial office conference Counsel conducted a patentability search, generating a favorable written report to Dr. Williams on or about January 13, 1999, the results of which were included in the Information Disclosure Statement (along with some other references noted thereafter in connection with other clients' patentability searches in the 1999/2000 time period).

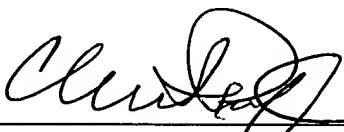
9. Dr. Williams continued to develop his invention (as well as at least one other invention), including, for example, the attachment sub-system for attaching the head rest support to the user, ultimately developing the embodiment shown in the drawings of the patent application, particularly the user attachment elements 40-43.

10. Thereafter Dr. Williams authorized the preparation and filing of the instant patent application, which was filed on September 26, 2000.

11. With respect to the actual embodiment prototype demonstrated at the November 2, 1998 initial conference, currently pending Claim 1 "reads on" that actual, prototype embodiment demonstrated & photographed on November 2, 1998.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8/22/2002
Date


C. Emmett Pugh, Reg. No. 22,826

CONFIDENTIAL

DESCRIPTION OF INVENTION

Don C. Williams

October 31, 1998

My invention is a portable device used to hold the head upright while sleeping in a sitting position. The main component is a firm durable foam (oblong shaped), that is positioned between the chin and chest. It supports the chin and rests flatly on the upper chest just below the neck. This allows one to sleep in a sitting position without the head falling forward and down.

A second component is a belt that holds the foam support in place. The belt attaches to the front upper half of the foam support, then goes over the shoulders, crosses down the back, under the arms, and attaches to the bottom of the foam support.

Another component is an adjustable cover that fits over the top of the seat. The cover also has a belt that can hold the foam support in place instead of the belt described earlier. This belt attaches to the front upper half of foam support and attaches to the lower half of the cover on both sides of the head.

There is a second method for holding the head upright while sitting and sleeping. It involves another belt that attaches to the top half of the cover on both sides of the head. This belt extends around the forehead and prevents the head from falling forward. The foam support is not needed for this method.

Don C. Williams
Don C. Williams

11-02-98
Date

Debra M. Martin
Witness
Debra M. Martin
Witness

11/2/98
Date
11/2/98
Date

Reviewed, reviewed and fully understood
on this November 2, 1998.
Debra M. Martin
11/2/98